IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6165 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JESHINGBHAI RAMABHAI DODIYA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 6165 of 1994

MS SEJAL K MANDAVIA for Petitioner No. 1

MR L B DABHI AGP for Respondent No. 1-2

MR BB PARMAR for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 24/12/2004

ORAL JUDGEMENT

1. The petitioner herein has preferred this petition in order to direct respondents no.1 & 2 to not give hearing regarding recognition of primary school to respondent no.3 which was held on 28/04/1993 and to not grant recognition to the primary school of respondent

no.3.

2. On 27/04/1994, by way of ad-interim relief, the authorities were restricted from passing any final order in favour of respondent no.3. While admitting the matter on 31/08/1994, ad-interim relief was extended, on condition that if the respondents did not move this Court within fifteen days from the date of receipt of writ of that order, ad-interim relief shall be treated as interim relief.

3. On 17/12/2004, it was made clear that before interim relief could be granted by this Court, recognition was given to respondent no.3 in the month of February 1994, which meant that respondent no.3 School was already functioning.

4. In above view of the matter, the relief which has been claimed by the petitioner in this petition could not have been granted by this Court. However, time was granted to the petitioner to amend the petition. But no such application for amendment was preferred. However, it would be open to the petitioner to move appropriate application before this Court, in case there is any adverse effect on account of the recognition granted to respondent no.3. With the above observations, the petition stands disposed of. Rule is discharged with no order as to costs.

(K. S. Jhaveri, J.)

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